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EXAMINER

HO, THOMAS M

ART UNIT PAPER NUMBER

2134

DATE MAILED: 04/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|------------------------------|--|
| Office Action Summary | Application No. 09/893,177 | Applicant(s) RIPLEY ET AL | |
| | Examiner Thomas M. Ho | Art Unit 2134 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 27 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-8, 13-15, 19-24 and 31-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-8, 13-15, 19-24, 31-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____. | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____. 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other: _____. |
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DETAILED ACTION

1. **Claims 6-8, 13-15, 19-24, 31-39 are pending.**
2. **The amendment of 1/27/05 has been received and entered.**

Response to Arguments

3. The Examiner contends that Saito does indeed disclose “transferring the encrypted content along with the encrypted title key to the customer.”

The encrypted title key is first transferred. (Column 6, line 61 – Column 7, line 4)

Afterwards, the content is transferred to the customer. (Column 7, line 55- Column 8, line 5)

Both are performed with regards to the same content distribution transaction initiated by the user. Ultimately, the encrypted content is transferred along with the encrypted title key to the customer.

Applicant’s amendment of “transferring the encrypted content along with the encrypted title key” is deficient in overcoming the prior art, and the rejection is maintained.

Applicant also argues (last paragraph, page 14)

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“Saito furthermore does not disclose that the “encrypted content is stored on a storage medium having a customer ID associated with a customer requesting the content, a Media Key Block (MKB), and the title key is encrypted (encrypted title key) with a customer ID”. ”

The Examiner contends Saito discloses these limitations. The encrypted content is the encrypted content. (Column 7, line 60-67), the customer ID (Column 6, lines 48-50) is associated with a customer requesting the content (Column 6, lines 35-50), the title key is KS1.

The Examiner contends Saito does disclose that the “encrypted content (Column 7, line 60-67) is stored on a storage medium(Column 8, lines 23-54) additionally having a customer ID(Column 6, lines 48-50) associated with a customer requesting the content(Column 6, lines 35-50), a Media Key block (MKB), the information used to complete Kb1)(Column 6, lines 48-55), and the title key, KS1, (Column 6, lines 60-65) that is encrypted (encrypted title key) with a customer ID (KS1, Column 6, lines 60-65), where KB1 is the combined version of both the customer ID and the public key, KB1. (Column 6, lines 48-55).

Examiner's Comment

4. Although understood by both sides, for clarification purposes to the record, the Examiner notes that the Applicant also amended a semi colon into claim 13, thereby transferring the limitations from the preamble section to the claim limitations in the

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amended subject matter. The punctuation mark was underlined as amended matter, but is nevertheless difficult to spot. Such remark is not made as an objection to the Applicant's amendments, but merely stated as clarifying information.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 6-8, 13-15, 19-24, 31-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Saito, US patent 6,002,772.

In reference to claim 6:

Saito discloses a method comprising:

- Receiving a request to transfer content to a customer (Column 6, lines 38-42)
- Retrieving encrypted content corresponding to the requested content, the encrypted content being encrypted by a title key, where the title key is KS1 (Column 7, line 65- Column 8, line 5)
- Obtaining a customer identifier ID associated with the customer, where the identifier is obtained with the other user information. (Column 6, lines 43-52)

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- Binding the requested content to the customer ID by using the customer ID to encrypt the title key, where the requested content is bound to the ID by first using the ID to encrypt the title key, KS1. (Column 7, line 65- Column 8, line 5)
- Transferring the encrypted content along with the encrypted title key to the customer, where the encrypted title key is first transferred. (Column 6, line 61 – Column 7, line 4) and afterwards, the content is transferred to the customer. (Column 7, line 55- Column 8, line 5)

In reference to claim 7:

Saito (Column 6, lines 53-67) discloses the method of claim 6, wherein said binding the requested content to the customer ID by using the customer ID to encrypt the title key comprises combining the customer ID with a media key provided by the service, where the user ID is bound to a media key, KB1 which is then used to encrypt the title key, KS1, which is then used to encrypt the title key.

In reference to claim 8:

Saito (Column 6, lines 52-60) discloses the method of claim 7, wherein said combining the customer ID with a media key comprises using a cryptographic one-way function, where the customer ID is combined with the media key using the one way hash function, MD5.

In reference to claim 13:

Saito discloses a method comprising:

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- encrypted content (Column 7, line 60-67) is stored on a storage medium (Column 8, lines 23-54) additionally having a customer ID (Column 6, lines 48-50) associated with a customer requesting the content (Column 6, lines 35-50), a Media Key block (MKB), the information used to complete Kb1 (Column 6, lines 48-55), and the title key, KS1, (Column 6, lines 60-65) that is encrypted (encrypted title key) with a customer ID (KS1, Column 6, lines 60-65), where KB1 is the combined version of both the customer ID and the public key, KB1. (Column 6, lines 48-55).
- Processing the MKB to generate a Media key by using Device Keys associated with a device for using the content, where the MKB is the set of information used to create the Media key, KB1, and where the device keys, KS1 and KS2 associated with the device are also used for using the content. (Column 6, lines 53-67)
- Decrypting the encrypted title key to form the title key by reading a customer ID and combining the customer ID and the Media Key, where the title key, KS1 is decrypted to form the title key, encrypted using the original combined key KB1. (Column 7, lines 4-11)
- Using the title key to decrypt the encrypted content, where the title key KS1 is used to decrypt the content. (Column 8, lines 13-17)

In reference to claim 25:

Saito discloses an apparatus comprising:

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- A processor to obtain a customer identifier (ID), the customer ID corresponding to a customer requesting content from a service, where the customer ID is the user ID obtained when a content request by the user is made. (Column 6, lines 43-52)
- An encoder to bind the requested content to the customer ID, where the content is bound to the user ID and other user information in the form of a digital watermark. (Column 7, lines 55-65)

In reference to claim 26:

Saito (Column 7, line 65 – Column 8, line 5) discloses the apparatus of claim 25 wherein the content is encrypted using a title key, where the title key is KS1.

In reference to claim 27:

Saito (Column 6, lines 53-67) discloses the apparatus of claim 25, wherein said encoder binds the content to the customer ID by encrypting the title key using the customer ID, where the customer ID or user ID is used by combining with public key KB1, used to encrypt the customer title key, KS1.

Claims 14, 24, 32, 36, 38 are rejected for the same reasons as claim 8.

Claims 19, 22 are rejected for the same reasons as claim 6.

Claims 20, 23, 35 are rejected for the same reasons as claim 7.

Claims 31, 34, 37 are rejected for the same reasons as claim 13.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 15, 21, 33, 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito.

In reference to claim 15:

Saito discloses fails to explicitly disclose the method of claim 13, wherein the content comprises a music title.

Saito however does disclose that audio data content used at the content to be distributed was well known in the art. (Column 1, lines 40-46)

The Examiner takes official notice that content comprising a music title was well known at the time of invention. For example, CD tracks have the names of the songs attached to them.

It would have been obvious to one of ordinary skill in the art at the time of invention to have content comprising a music title in order to allow the invention of Saito to be used with distributing musical content to reach out to that section of the market.

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Claims 21, 33, 39 are rejected for the same reasons as claim 15.

Conclusion

9. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of the final action and the advisory action is not mailed under after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension pursuant to 37 CFR 1.136(A) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication from the examiner should be directed to Thomas M Ho whose telephone number is (571)272-3835. The examiner can normally be reached on M-F from 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory A. Morse can be reached on (571)272-3838.

The Examiner may also be reached through email through Thomas.Ho6@uspto.gov

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-2100.

General Information/Receptionist Telephone: 571-272-2100 Fax: 703-872-9306

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TMH

April 21st, 2005


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